

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JOHN M. J. MADEY,  
  
Plaintiff,  
  
v.  
  
DUKE UNIVERSITY,  
  
Defendant.

1:97CV01170

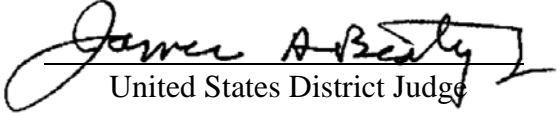
ORDER

For the reasons stated in the Memorandum Opinion filed contemporaneously herewith, IT IS ORDERED that Plaintiff's Motion for Leave to File a Sur-Reply [Document #175] is DENIED, and Plaintiff's additional Motion [Document #177] related to documents filed with the proposed Sur-Reply is DENIED as moot. IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment [Document #149] is DENIED, but the Court will follow the legal principles and conclusions outlined in the Memorandum Opinion during the trial in this case.

IT IS THEREFORE ORDERED that this case be set for trial during the July 2006 Civil Trial Session, and any necessary hearing on claim construction issues will be held in May 2006. The parties shall submit, within 10 days of the date of this Order and Memorandum Opinion, a proposed schedule addressing (1) any supplemental discovery that may be needed, and (2) any

briefing that may be necessary with respect to the claim construction issues.

This, the 31<sup>st</sup> day of January, 2006.

  
United States District Judge